

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FACTORY MUTUAL INSURANCE
COMPANY, a Rhode Island Company,
as Subrogee of Post Holdings, Inc., a
Missouri corporation, Michael Foods of
Delaware, Inc., a Delaware corporation,
and M.G. Waldbaum Company, a
Nebraska Company;

Plaintiff,

vs.

HENNING COMPANIES, LLC, an Iowa
Limited Liability Company;

Defendant.

FACTORY MUTUAL INSURANCE
COMPANY, a Rhode Island Company;

Plaintiff,

vs.

VENCOMATIC, INC, an Illinois
Company;

Defendant.

8:22CV432

**FINAL PROGRESSION ORDER
(AMENDED)**

8:24CV74

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the joint stipulation to amend case progression, Filing No. 73 (8:22cv432) and Filing No. 33 (8:24cv74), is granted in part and denied in part as set forth herein. The final progression order, Filing No. 65 (8:22cv432) and Filing No. 22 (8:24cv74), is amended as follows:

- 1) The trial and pretrial conference in *Factory Mutual Insurance Co. v. Henning Companies*, 8:22cv432, will be set by separate order. The trial and pretrial conference in *Factory Mutual Insurance Co. v. Vencomatic, Inc.*, 8:24cv74, will not be set at this time. Counsel in both cases are instructed to hold the trial date on their calendar pending the outcome of any motion to consolidate the cases for the purposes of trial.
- 2) A status conference to discuss the parties' interest in settlement will be held with the undersigned magistrate judge on **October 14, 2025 at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	May 28, 2025.
For the defendant(s):	August 29, 2025.
- 4) The deadline to file a motion to consolidate the above-captioned cases for the purposes of trial is August 29, 2025.
- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 1, 2025.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is October 29, 2025.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 29, 2025.
- 8) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.
- 11) Any deadlines not specifically amended herein remain unchanged.

Dated this 19th day of February, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca
United States Magistrate Judge